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# Written statement* submitted by the Nazra for Feminist Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## Continued Challenges for Women in the Egyptian Public Space

The current government of the Egyptian state continues to witness grave violations against women in the public space. Women human rights defenders (WHRDs) in Egypt continue to face impediments in their everyday activism and are neither protected nor enabled to carry out their legitimate work. Targeting WHRDs is part of continuous attempts by the current Egyptian government (similar to previous governments) to expel women from the public sphere. The documented violations committed against WHRDs include arbitrary detention, beatings, dragging, attempted strangling, sexual assault and violence in an attempt to strip women, threaten them with rape during detention, insults of a sexual nature, and all manners of degrading and inhumane treatment.

An emblematic case is that of the seven WHRDs (Ms. Sanaa Seif, Ms. Yara Sallam, Ms. Hanan Mustafa Mohamed, Ms. Salwa Mihriz, Ms. Samar Ibrahim, Ms. Nahid Sherif (known as Nahid Bebo) and Ms. Fikreya Mohamed (known as Rania El-Sheikh) arrested on 21 June 2014 for protesting peacefully against the Protest and Public Assembly Law (No. 107 issued on November 24, 2013). They were sentenced to three years imprisonment, 3 years monitoring and a fine of EGP 10,000 (USD 1398.60) by the Heliopolis Misdemeanor Court on October 26, 2014, and the Abbasia Appeal Court reduced the sentence to two years imprisonment and 2 years surveillance on December 28, 2014.

Other tactics to punish WHRDs is the issuance of travel bans, such as that issued against prominent WHRD Esraa AbdelFattah on January 13, 2015, who did not know she had a travel ban issued against her, and found out about it by coincidence when she was in the airport traveling to Germany. The final court session to either cancel her travel ban or confirm it is scheduled for June 16, 2015.

In addition, a shocking lifetime imprisonment verdict and a fine of 17 Million Egyptian Pounds (USD 2,229,215.84) was issued on February 4, 2015 in the case known as the Ministerial Cabinet Case, which its incidents date back to December 16 - 20, 2011 which included the infamous "blue-bra girl" incident, where among the 230 against which the verdict was issued are 8 WHRDs, including Hend Nafe', who is a staff member at Hisham Mubarak Law Center, and the Founder of "Watan Bila Ta'zib" (A Nation Free of Torture), in addition to a female minor among 38 minors who were sentenced to 10 years imprisonment. The trial is currently being re-conducted for 17 defendants, including 3 WHRDs, one of whom was a minor, namely Ne'ama Ali Saeed Mesallam, during the concerned incidents. Her case has been transferred to the juvenile court and she has been released on April 8, 2015, while the other 2 are still detained since March 3, 2015, namely Shaimaa Ahmed Saad and Abeer Saeed Mohamed Mostafa.

Another example of the increasing verdicts against WHRDs is the one issued on the 9th of February, 2015, by El Raml Misdemeanor Court in Alexandria governorate against WHRD and Lawyer Mahienour El-Massry along with other 9 activists from Alexandria to two years in prison and bail amounting to 5000 EGP (655.37USD) to suspend the verdict, over charges that include: Attacking and causing injuries to the police officers of El Raml Police Station; Breaking into the police station; Destruction of some of its contents; Disabling work flow along with terrorizing and intimidating citizens" in March 2013. On May 11, 2015, the ElRaml Misdemeanor Court postponed the session of the case's appeal to May 31, 2015, with the detention of Mahienour, who is currently detained in Damanhour Women's Prison.

Sexual violence against women in the public space is another grave problem. A national strategy to combat violence against women has been announced and published on May 7, 2015, yet, we emphasize the importance

of monitoring its implementation. Meanwhile, articles relating to crimes of rape, sexual assault and harassment in the Penal Code (Articles 267, 268, 269 and 289) are currently deficient in nature and do not address the epidemic of sexual assault as well as rape. It also fails to address the rights of the survivors and their protection when submitting reports. While the Penal Code recently defined and addressed sexual harassment in the new amendment to Article 306, the amendment is insufficient in its scope and the article is limited in nature and only considers a crime sexual harassment if the intent is proven to be related to obtaining sexual benefits. With the exception of the Tahrir mob-sexual assaults and gang rapes in June 2014 during the inauguration of President AbdelFattah ElSisi, no one has been held accountable for mob-sexual assaults and gang rapes committed since November 2012. Finally, a police staff member was sentenced to life imprisonment on May 24, 2015 and held accountable for sexually assaulting a mentally challenged minor in a police station in August 2014. This stresses the importance of holding all state actors for crimes of sexual violence accountable.

In regards to political participation, there are clear flaws within the current Egyptian government's approach to enabling women's participation. For instance, in the upcoming parliamentary elections there is a quota only on the absolute lists (There are 540 seats in parliament, 120 of which are reserved for the absolute lists) which will result in women having 56 seats out of 120. The law states that the president can appoint 3 -5 percent of the elected parliament or up to 27 members, half of which must be women (this law is not obligatory and the president may choose to appoint no parliament members or appoint any number- half of which must be women). Therefore, the representation of women could range between 10.374 percent (This is the case if the president does not appoint *any* members) and 14.65 percent (This is the case if the president decided to appoint all female members) at best. Despite the fact that this is a higher representation than the 2011/2012 parliament, it remains a low percentage for women, given that 420 seats will be elected based on first-past-the-post system and there is no quota set for women on the individual seats.

In addition, the parliamentary elections were postponed once more based on the Constitutional Court ruling on March 1st, 2015 that deemed the law on constituency division unconstitutional. Currently, there's no transparent timeline set for the elections by the government, and new legislations are drafted, reviewed and passed in the absence of an elected legislative body; Thus, there's a law on violence against women that the Supreme Committee for Legislative Reform (a legislative committee that is formed by a presidential decree) is currently reviewing with no transparency or engagement with various actors such as CSOs due to the absence of the Parliament.

Meanwhile, judicial bodies, including the State Council, continue to marginalize women and hinder their inclusion in the judiciary despite the fact that it has become a constitutional entitlement. Women were refused appointment in the State Council recently and several law graduates filed legal complaints concerning their deliberate exclusion from being appointed in the State Council. However, the Supreme Council of the Judiciary decided to appoint women from the Administrative Prosecution as judges in February, 2015. The Council set several conditions for appointing them, including having a higher degree than a BA in law and fluency in a foreign language, which doesn't apply to their male counterparts. This constitutes a clear breach of equality and equal opportunity.

Moreover, the constitution mandates establishing an anti-discrimination committee (Article 53), which needs to be established after the parliamentary elections. For this committee, universal definitions need to be used to include all groups in Egyptian society that suffer from discrimination. This needs to be done via the adoption of a holistic approach that includes the participation of feminist and human rights groups, the National Council for Women, National Council for Human Rights, in addition to having gender focal points in the Egyptian ministries that would ensure women's political representation, mainstreaming gender in the policies issued, which in turn, would reflect on the Anti-Discrimination Committee, that should also be granted full autonomy.

Accordingly, Nazra for Feminist Studies would like to make the following recommendations to the Egyptian government and the international community:

The Egyptian government must act in accordance with the standards of the UN Declaration on Human Rights Defenders and introduce national legislation to protect them from state and non-state actors, to recognize and enable their work.

The Protest and Public Assembly Law No. 107 issued in November 2013 needs to be revised, to allow the space for WHRDs to carry out their legitimate work in defending human rights, especially that this law is unconstitutional.

The Egyptian authorities need to take all measures to proceed with the processing of the Ittihadia Presidential Palace case in which 7 WHRDs have been sentenced as outlined above, at the Court of Cassation as quickly as possible to revoke the issued verdict.

The Egyptian authorities need to immediately and unconditionally revoke the travel ban issued against WHRD Esraa Abdel-Fattah, and to publicly announce the names of human rights defenders, WHRDs and activists against whom a travel ban is issued, in addition to publicly announcing the reason behind the concerned bans and the legal basis on which they are issued, and whether there are any charges directed at them or not.

Reform the penal code to punish all forms of violence against women and ensure its implementation to ensure women's access to justice.

Enact the implementation of the holistic and comprehensive national strategy to combat violence against women that was publicly announced on May 7, 2015, and legislation, which should contain provisions for its effective implementation through gender budgeting, evaluation and monitoring.
Investigate sexual violence violations committed against women since November 2012 and prosecute those responsible.

Enact legislation to mandate the regular collection of statistical data and research to ensure an adequate knowledge base for effective implementation and monitoring.

Call on the international community to push the Egyptian authorities to initiate a process that genuinely incorporates a transitional justice mechanism, that holds real perpetrators accountable and both recognizes the important human rights activism conducted by WHRDs, and ensures their protection.

Promote the appointment of women in decision-making positions such as the judiciary and executive positions.

Amend the election law to make it more inclusive of women, within a democratic, transparent process, through using gender quota within a proportional system in elections. Also, giving space for civil society actors -both local and international - to become part of the election processes to guarantee their transparency and efficiency. Also, the parliamentary elections process must be expedited in order to have an elected legislative body as soon as possible through which laws can be reviewed and passed through a transparent, democratic process.